

RECEIVED

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEYDEC. 22 2023  
AT 8:30 11:10 AM (A)  
CLERK, U.S. DISTRICT COURT - DNJUNITED STATES OF AMERICA,  
Respondent,Civil Action No 23-2479 (SDW)  
In re Criminal No 19-cr-00770-SDW

v.

ANKUR AGARWAL,  
Petitioner, pro se.MOTION TO SUPPLEMENT §2255  
MOTION FOR EXTENSION OF TIME  
MOTION TO PERMIT ADDITIONAL PAGES  
NOTICE FOR EXPANSION OF RECORD

Dear Judge Wigenton:

Petitioner Ankur Agarwal bundles 3 Motions and 1 Notice together in the present filing.

## I. Motion to Supplement §2255

Petitioner respectfully requests the court permit him to supplement his pro se §2255 motion with 2 additional grounds for ineffective assistance of counsel. Petitioner has a good faith basis on the account he has obtained new documents that are relevant and critical to his contention of ineffective assistance of counsel.

In order to obtain Corrlink emails exchanged with counsel, Petitioner filed an archive retrieval request with the BoP. Petitioner relied primarily on Corrlink -- the BoP email system -- rather than US postal mail to correspond with counsel. Corrlink's policy controls automatically purge emails older than 180 days, necessitating retrieving copies of the emails. See BoP Policy Statement 4500.12 §14.10, part (j). (To retrieve recorded telephone conversations, the BoP informed Petitioner court-issued subpoenas are required. This action has not yet been pursued by Petitioner). The new documents yield additional grounds for ineffective assistance of counsel. As these documents were neither available at the moment of the original §2255 filing (D.E. 1) on May 4, 2023, nor the amended §2255 filing (D.E. 4) on June 15, 2023, Petitioner requests the Court to permit him to file a supplement.

The supplement follows.

II. Motion for 2<sup>nd</sup> Extension

Petitioner respectfully requests court permit him a 2<sup>nd</sup> extension of time in the amount of 45 days for answering Government's response to Petitioner's §2255 motion. In granting the 1<sup>st</sup> extension (D.E. 11) on November 13, 2023, the court granted an additional 45 days -- putting the answer due on December 18, 2023. Extending the time for another 45 days would make Petitioner's answer due on February 1, 2024.

Petitioner's time is managed between his work detail and work on his §2255 proceedings. While the BoP gives special time and allowance for research and preparation of documents to an inmate who demonstrates a requirement to meet an imminent court deadline, an inmate continues his

regular work detail without undue interruption by legal activities. See BoP Policy Statement 1315.07, §10, part (i). Petitioner's welding work detail scheduled work hours of 5 days a week -- Monday - Friday, 8 am -2:30 pm -- have not been reduced to do the work for the §2255 proceedings. Thus Petitioner uses available leisure hours -- evenings, weekends, and holidays.

Further, Petitioner seeks to proceed pro se putting more demands on time. Petitioner does not seek to retain an attorney or receive legal aid from a court-appointed attorney because primarily he is disappointed by the performance of his prior attorneys and secondarily he does not have the wherewithal to take on more legal fees.

Further, Petitioner's §2255-related document retrieval requests from the BoP, Bank of America, and retrieval of his own criminal docket from PACER are taking longer than expected to complete.

Further, Petitioner is not able to research some citations in the Government's reply -- e.g. Jones v. Hendrix, 599 U.S. 465, 473 (2023) cited under "II. Legal Standard", ¶ 1, page 4 -- since FCI Ft. Dix Camp Electronic Law Library (ELL) containing court reporter and other statutory materials is updated with quarterly frequency.

For the reasons above, Petitioner submits extension request.

### III. Motion for Additional Pages for Petitioner's Reply Brief

Petitioner also respectfully requests the court permit him additional pages for his reply brief for answering Government's response to Petitioner's §2255 motion. In granting the request for extension (D.E. 11) on November 13, 2023, the court referenced Local Civil Rule 7.2(b), limiting reply briefs to fifteen (15) pages. In light of the fact that Petitioner has identified 7 grounds (including the 2 grounds to be prospectively supplemented) which warrant relief, it is requested the court grant additional pages.

### IV. Notice to Motion the Court for Expansion of Record

Lastly, pursuant to rule 7(b) of the Rules Governing §2255 Motions, Petitioner serves notice he will motion the court for expansion of record, so that he may request leave of the court to file exhibits in support of his §2255 motion. Petitioner will attach the exhibits in his prospective motion for expansion of record and explain which exhibits pertain to which grounds for relief. Petitioner proffers the exhibits to provide evidence directly refuting claims made in the affidavits attached to the Government's response. Petitioner also proffers the exhibits so that the court may consider them in its analysis of each of Petitioner's grounds of relief to determine whether an evidentiary hearing is warranted amongst all concerned parties.

Respectfully submitted,



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Dated: 15 December 2023